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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,665	05/26/2000	Ian Crayford	34729/JFO/B600	8203

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EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/580,665

Applicant(s)

CRAYFORD ET AL.

Examiner

Bharat N Barot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO AMENDMENT

1. Claims 1-40 and new claim 41 remain for further examination. Applicants' arguments with respect to claims 1-40 filed on September 21, 2004 have been fully considered.

The old rejection maintained

2. The rejection is respectfully maintained as set forth in the last Office Action mailed on July 12, 2004. Applicants' arguments with respect to claims 1-40 have been fully considered but they are deemed to be moot and old rejection maintained.

Drawings

3. This application has been filed with informal drawings, which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Claim Rejections - 35 USC § 112

4. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 contains the "status information", which is unclear about the status of server, client, or network.

Other dependent claims, which are not specifically cited above are also rejected because of the deficiencies of their respective parent claims.

Claim Rejections - 35 USC § 103(a)

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-14 and 21-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kristol et al (U.S. Patent No. 5,541,927) in view of Montulli (U.S. Patent No. 5,774,670).

7. As to claim 1, Kristol et al disclose a network hub in a communication network comprising a server, the server (source) pushing status packet to a client (destination) (figures 3-6; and column 4 line 31 to column 6 line 19).

However, Kristol et al do not explicitly disclose that the server pushing status information to a client.

Montulli explicitly disclose a network hub in a communication network comprising a server (figures 1A and 1B; and column 4 line 16 to column 5 line10), the server pushing state (read as status) information to a client (see abstract; figure 4; column 1 lines 6-11; column 2 lines 14-55; and column 7 lines 10-44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Montulli as stated above with the network hub of Kristol et al for pushing status information to a client because it would have increased the transmission efficiency and processing speed to improved the network latency.

8. As to claims 2-5, Kristol et al disclose that the server unicasts the information transmits the information to a plurality of clients, broadcasts the information, and multicasts the information (column 3 lines 53-59).

9. As to claims 6-7, Kristol et al disclose that the hub comprises one of a switch, a repeater, a bridge, a router, a gateway, and a hybrid thereof (figure 3; and column 4 lines 31-49); and the network hub comprises one of an OSI Layer 2 network switch, an OSI Layer 3 network switch, and a hybrid thereof (figure 2; and column 3 lines 24-52).
Note: Applicant claimed that the hub comprises one of the network elements or layers; therefore, the rejection of claims 6-7 is proper.

10. As to claim 8, Kristol et al disclose that the hub is devoid of a microprocessor (column 3 lines 38-42).

11. As to claims 9-10, Kristol et al disclose that the information comprises a predefined status field; and the predefined status field comprises a push transmission field (figure 6; and column 6 lines 14-19). Montulli also disclose that information comprises a predefined status field; and the predefined status field comprises a push transmission field (column 13 lines 38-47 and 51-55; column 14 lines 19-27; and column 16 lines 1-10).

12. As to claims 11-13, Kristol et al disclose that the hub further comprising a plurality of ports; the operational information comprises a predefined status field; and the predefined status field corresponds to at least one of the plurality of ports (figures 3-4 and 6; column 4 line 31 to column 5 line 12; and column 6 lines 14-19).

13. As to claim 14, Kristol et al disclose that the hub further comprising memory register for storing the information therein (column 7 lines 33-67).

14. As to claim 21-22, above remarks rejecting claim 1 equally apply here, additionally Montulli disclose a communication apparatus (figures 1A and 1B; and column 4 line 16 to column 5 line 10), comprising: a network information table storing network information from the network information receiver; a network information

transmitter selectively push transmitting the network information in the network information table; a network information receiver, operably coupled with a communication network and the network information table, receiving network information; and a network operations analyzer analyzing the networking information in the network information table and producing information of a state of the network (see abstract; figures 1A-1B and 4; column 2 lines 14-55; column 4 line 16 to column 5 line10; and column 7 lines 10-66).

15. As to claim 23-26, Kristol et al disclose that the apparatus comprising a hub, a switch, a repeater, a bridge, a router, a gateway, and a hybrid thereof; comprising a plurality of ports coupled to the network information transmitter; and comprising one of an OSI Layer 2 network switch, an OSI Layer 3 network switch, and a hybrid thereof (figures 2-4; column 3 lines 24-52; and column 4 line 31 to column 5 line 12).

16. As to claims 27-28, it would have been obvious matter of design choice to select the number of ports coupled to the network information transmitter for increased the utilization of the communication apparatus.

17. As to claim 29-30, Kristol et al disclose that the apparatus further comprising a transceiver and a switching interface, each of the network information receiver, the network information table, and the at least one of the network information transmitter and the network information detector being integrated into the network hub; and the

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network hub comprises one of a switch, a repeater, a bridge, a router, a gateway, and a hybrid thereof (figures 3-4 and 6; column 4 line 31 to column 6 line 2; and column 6 line 14 to column 7 line 67).

18. As to claims 31-40, they are also rejected for the same reasons set forth to rejecting claims 21-30 above. Additionally, Montulli disclose a network operations detector detecting the networking information and producing operational information of an operational state of the network; and a network information transmitter for transmitting the operational information of an operational state of the network (figures 4-5; column 2 lines 55-65; column 7 lines 11-44; and column 11 line 45 to column 13 line 23).

19. As to claim 41, Montulli discloses that the status information comprises at least one of network status information, hub status information, and server status information (figure 4; and column 7 lines 11-44).

20. Claims 15-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kristol et al (U.S. Patent No. 5,541,927) in view of Montulli (U.S. Patent No. 5,774,670) as applied to claims 1 and 9 above, and further in view of Fujino et al (U.S. Patent No. 5,651,006).

21. As to claims 15-20, neither Kristol et al nor Watson et al disclose that the information is a management information base (MIB) statistic.

Fujino et al disclose that the information is a management information base (MIB) statistic; and further comprising a MIB engine, a switching fabric and a transceiver (PHY) integrally contained therein, an address resolution table integrally contained therein, and a MIB engine for pushing the predefined status field (abstract; figure 2; column 3 lines 19-23 and 39-43; column 6 lines 5-34; column 7 lines 1-53; and column 22 lines 18-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Fujino et al as stated above with the network hub of Kristol et al for pushing status information to a client because it would have provided economically efficient, secure, and balanced communication between source device and destination device.

Response to Arguments

22. Applicant's arguments with respect to claims 1-40 filed on September 21, 2004 have been fully considered but they are not deemed to be persuasive for the claims 1-40.

23. In the remarks, the applicant argues that:

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(A) In response to applicant's argument that the recitation of status information is not indefinite simply because it would cover multiple types of status information, it is noted that the features upon which applicant relies (i.e., the status information may be information about the network or hub or server itself) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

(B) Argument: Montulli does not disclose or suggest the feature of a server pushing status information to a client.

Response: Montulli explicitly disclose a network hub in a communication network comprising a server (figures 1A and 1B; and column 4 line 16 to column 5 line10), the server pushing state (read as status) information to a client (see abstract; figure 4; column 1 lines 6-11; column 2 lines 14-55; and column 7 lines 10-44).

(C) Argument: Montulli does not disclose or suggest a network information transmitter selectively push transmitting the network information in the network information table.

Response: Montulli explicitly disclose a network information transmitter (server) selectively push transmitting the network information in the network information table (client memory) (abstract; figure 1A; column 2 lines 30-35 and 41-55; and column 4 lines 17-49).

(D) Argument: Montulli does not disclose or suggest a network information transmitter transmitting the operational information of an operational state of the network.

Response: Montulli explicitly disclose a network operations detector detecting the networking information and producing operational information of an operational state of the network; and a network information transmitter for transmitting the operational information of an operational state of the network (figures 4-5; column 2 lines 55-65; column 7 lines 11-44; and column 11 line 45 to column 13 line 23).

(E) In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., pushing/transmitting information to a client/data recipient, without a specific request for that information from the client) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

24. This action is made final. See M.P.E.P. § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE

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MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

Contact Information

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bharat Barot whose telephone number is (571) 272-3979. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam, Hosain, can be reached at (571) 272-3978.

Any inquiry of general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

Patent Examiner Bharat Barot

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February 08, 2005


BHARAT BAROT
PRIMARY EXAMINER